

Remarks

Claim 25 is amended. Claims 13 to 36 are pending in this application of which only claims 13 and 25 are in independent form.

On pages 2 and 3, the Office continues to reject claims 13, 14, 19, 23, 24 25, 26, 31, 35 and 36 under 35 U.S.C. §102(b) as being anticipated by United States Patent 3,873,004 to Feild.

On page 4, the Office stated that the term "a fuel cell system" has not been given any patentable weight because of its recitation in the preamble.

Applicants have included a reference to a "fuel cell" into the body of claim 25. However, applicants note that it is well established that in claims directed to articles and apparatus, any phraseology in the preamble that limits the structure of that article or apparatus must be given weight (MPEP §2111.02 citing *In Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951) which discusses the preamble "An abrasive article").

Claim 25 now requires:

"A fuel cell system comprising:
 at least one fuel cell;
 consumers;
 an arrangement for supplying fluid medium to said consumers; and,
 the arrangement including: a feed pump unit; a controllable metering valve interposed between said feed pump and said consumers; and, said feed pump unit including a high-pressure feed pump and a low-pressure feed pump for feeding said high-pressure feed pump thereby ensuring that said media is free of possible air pockets." (emphasis added)

Feild is not directed to a fuel cell system nor does it disclose a fuel cell. Accordingly, Feild does not disclose all elements of the claims as required for an rejection under 35 U.S.C. §102(b).

The respective limitations of claim 13 were discussed in applicants' previous response.

On pages 5 and 6, the Office rejected claims 15 to 18, 20, 21, 27 to 30, 32 and 33 under 35 U.S.C. §103(a) as unpatentable over Feild in view of United States Patent 5,488,969 to King et al (hereinafter "King").

Feild discloses an apparatus for cleaning heavily soiled surfaces comprising a tank for supplying an aqueous solution containing detergents. This solution is mixed with the water moved by the pump and is sprayed at the output via cleaning nozzles (A-I, A-II, A-III).

Applicants submit that Feild constitutes non-analogous art. In particular, applicants submit that a person of ordinary skill, seeking to solve a problem of supplying fluid media to consumers of a fuel cell system, would not reasonably be expected or motivated to look to apparatus for cleaning heavily soiled surfaces. MPEP §2141.01(a) citing *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Applicants further submit that Feild and King when combined do not teach or suggest all the claim limitations, such as, but not limited to, a fuel cell, as required for a prima facie case of obviousness (MPEP §2142). Applicants further submit that there is no suggestion or motivation, either in Feild or King or in the knowledge generally available to one of ordinary skill in

the art, to modify the reference or to combine reference teachings to arrive at the claimed invention. Finally, applicants submit that there is no reasonable expectation of success.

Reconsideration of this application is respectfully requested.

Respectfully submitted,



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